

Filed for intro on 02/24/97
SENATE BILL 1403 By
Haun

HOUSE BILL 1844
By Davis R

AN ACT to amend Tennessee Code Annotated, Title 28, Chapter 3, relative to enacting the "Personal Responsibility Act of 1997."

WHEREAS, insurance costs have skyrocketed for those responsible Tennesseans who have insurance; and

WHEREAS, drunk drivers, felons and motorists who fail to prove financial responsibility following an accident are law breakers, and should not be rewarded for their irresponsibility and criminal behavior. However, under current law, drunk drivers and motorists who fail to prove financial responsibility are able to recover unreasonable damages from law-abiding citizens as a result of drunk driving and other accidents, and criminals have been able to recover damages from law-abiding citizens for injuries suffered during the commission of their crimes; and

WHEREAS, the General Assembly must change the system that rewards individuals who fail to take essential personal responsibility to prevent them from seeking unreasonable damages or from suing law-abiding citizens; and

WHEREAS, the Tennessee General Assembly enacts this measure to restore balance to our justice system by limiting the right to sue of criminals, drunk drivers, and motorists who fail to prove financial responsibility; now therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

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SECTION 1. The title of this act is, and may be cited as the “Personal Responsibility Act of 1997”.

SECTION 2. Tennessee Code Annotated, Title 28, Chapter 3, is amended by adding the following new section:

Section ____.

(a) In any action for damages based on negligence, a person may not recover any damages if the plaintiff's injuries were in any way proximately caused by the plaintiff's commission of any felony, or immediate flight therefrom, and the plaintiff has been convicted of that felony. Nothing in this section shall be construed as altering, repealing or restricting the provisions of Tennessee Code Annotated, Section 29-34-201.

(b) Except as provided in subsection (d), in any action to recover damages arising out of the operation or use of a motor vehicle, a person shall not recover non-economic losses to compensate for pain, suffering, inconvenience, physical impairment, disfigurement, and other nonpecuniary damages if any of the following applies:

(1) The injured person was at the time of the accident operating the vehicle in violation of Tennessee Code Annotated, Sections 55-10-401, 55-10-415, 39-13-106 or 39-13-213(a)(2) and was convicted of that offense.

(2) The injured person was the operator of a vehicle involved in the accident and fails to establish his or her financial responsibility as required by the financial responsibility laws of this state.

(c) Except as provided in subsection (d), an insurer shall not be liable, directly or indirectly, under a policy of liability or uninsured motorist insurance to indemnify for the non-economic losses of a person injured as described in subsection (b).

(d) In the event a person described in subsection (b) was injured by the driver of a motor vehicle who at the time of the accident was operating such vehicle in violation of Tennessee Code Annotated, Sections 55-10-401, 55-10-415, 39-13-106 or 39-13-213(a)(2) and

was convicted of that offense, the injured person described in subsection (b) shall not be barred from recovering non-economic losses to compensate for pain, suffering, inconvenience, physical impairment, disfigurement, and other nonpecuniary damages.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severed.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to all causes of action accruing on or after January 1, 1998.